REMARKS

Claims 1, 3, 5-10, 14-22, and 24-38 are pending.

Independent Claims 1, 6, 8, 10, 14, 21, 27, 28, 29, 30, 34, 35, and 36 have been amended.

Claims 2, 4, 11, 12, 13, and 23 were previously cancelled.

The independent Claims 1, 6, 8, 10, 14, 21, 27, 28, 29, 30, 34, 35, and 36 have been amended to further clarify that the catalyst composition has an activity determined as gPolyethylene polymer/gCatalyst – hr) which is at least about 38.9% greater than a comparative activity determined under essentially identical conditions of an essentially identical comparable supported catalyst composition system in which the metallocene catalyst compound and the activator were not first heated from 75°C to 125°C for about 30 minutes to about 3 hours according to step (a) (in Claim 1), and then combined with a carrier heated to 30-75°C in which the metallocene catalyst compound and the activator were at a temperature of from 75°C to 125°C and the carrier was at a temperature of 30-75°C when the two were combined according to step (b) (in Claim 1.)

Support for these amendments may be found in the Examples, wherein Example 9 is disclosed to have and activity which is 43% greater than the comparative Example 10 (see numbered paragraphs [0107] to [0109] and Table 2, page 26 of the application as originally filed), and wherein Examples 11, 12, and 13 have activities which are increased by 58.6%, 50%, and 38.9%, respectively over comparative Example 14 (see numbered paragraphs [0110] to [0114] and Table 3, page 27 of the application as originally filed.) No new matter has been added.

Rejections Under 35 USC § 103

The Action has maintained the rejection of Claims 1, 3, 5-10, 14-22 and 24-38 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,420,501 to Uwai. Applicants presently claimed invention recites the limitation that the catalyst composition has an activity determined as g/Polyethylene polymer/gCatalyst – hr) which is at least about 38.9% greater than a comparative activity determined under essentially identical conditions of an essentially

identical comparable supported catalyst composition system in which the metallocene catalyst compound and the activator were not first heated from 75°C to 125°C for about 30 minutes to about 3 hours according to step (a), and then combined with a carrier heated to 30-75°C in which the metallocene catalyst compound and the activator were at a temperature of from 75°C to 125°C and the carrier was at a temperature of 30-75°C when the two were combined according to step (b).

Uwai discloses an activity of comparable examples which is 750 gPE/gCat-Hr which is out of Applicants recited range of an activity which is at least about 38.9% greater than a comparative activity determined under essentially identical conditions of an essentially identical comparable supported catalyst composition system in which the metallocene catalyst compound and the activator were not first heated from 75°C to 125°C for about 30 minutes to about 3 hours according to step (a), and then combined with a carrier heated to 30-75°C in which the metallocene catalyst compound and the activator were at a temperature of from 75°C to 125°C and the carrier was at a temperature of 30-75°C when the two were combined according to step (b).

Uwai also fails to disclose or suggest combining the heated catalyst/activator mixture with a pre-heated support, but instead merely discloses heating of the combined materials. As such, Uwai fails to disclose or suggest all of Applicants' recited limitations. Accordingly, Uwai fails to render the presently claimed invention obvious.

Claims 16 and 17 have been rejected under 35 USC § 103(a) as being unpatentable over Uwai, and further in view of U.S. Patent No. 5,367,037 to Lee et al. (hereinafter "Lee".)

As discussed previously, Lee fails to disclose or suggest Applicants' recited step (a) followed by step (b). Lee thus fails to cure the defects in Uwai. As such, Uwai in view of Lee fails to disclose or suggest all of Applicants' recited limitations.

Accordingly, Applicants do not recite a mere variation of temperature on a known process step in which the temperature is known to be critical, but in fact, recite an entirely separate combination of steps which the cited prior art each fail to disclose or suggest.

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As such, none of the cited prior art provides any disclosure or suggestion which even remotely recognizes or suggests Applicants' discovery that the deliberate heating of the catalyst and the activator prior to contacting with the support is a critical variable which achieves a recognized result. The references merely provide for combining the two components and heating at a final temperature. Accordingly, Applicants' presently claimed invention cannot be considered an optimization of a result effective variable since no such variable existed prior to Applicants' invention. Furthermore, in the inventive Examples described in the Affidavits submitted, Applicants have shown vast improvement that are unexpected in view of the cited prior art.

Thus, Applicants respectfully request that all rejections be withdrawn and solicit a prompt notice of allowability. In the alternative, Applicants invite the Office to telephone the undersigned attorney if there are any other issues outstanding which have not been presented to the Office's satisfaction.

Respectfully submitted,

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